

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DANILO E. OLIVEROS, M.D.,
RESPONDENT

FINAL DECISION AND ORDER
92 MED 006/90 MED 351

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Danilo E. Oliveros, M.D.
129 South Berkshire Way
Lawton, OK 73501

Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Danilo E. Oliveros (D.O.B. 11/10/41) is duly licensed in the state of Wisconsin to practice medicine and surgery (license # 21408). This license was first granted on January 20, 1978.

2. Dr. Oliveros' latest address on file with the Department of Regulation and Licensing is 129 South Berkshire Way, Lawton, OK 73501.

3. On October 27, 1988, the Wisconsin Medical Examining Board took disciplinary action against Dr. Oliveros' license to practice medicine and surgery in the state of Wisconsin and imposed educational and practice monitoring conditions upon his license. A true and correct copy of the October 27, 1988 order of the Board is attached to this Order as Exhibit A and incorporated by reference into this Order.

4. On September 18, 1989, the Board granted Dr. Oliveros a six month extension to complete the CME coursework required under the terms of the October 27, 1988 Order. On December 15, 1989, Dr. Oliveros was restored to full and unrestricted practice in Wisconsin.

5. Subsequent to Dr. Oliveros' return to full and unrestricted practice, the Department of Regulation and Licensing Division of Enforcement received a claims paid report for an incident occurring on December 26, 1989 and concerning Dr. Oliveros' delivery of obstetrical care. The Division in addition received a related report from Taylor County Memorial Hospital peer review that on or about April 1, 1990, Dr. Oliveros withdrew his obstetric privileges at that hospital.

6. Dr. Oliveros withdrew from practice in 1990 to enter a residency with the University of Minnesota Affiliated Community Hospitals Department of Family Practice. As requisite to the residency, Dr. Oliveros took and successfully passed the SPEX examination in March, 1991 with a score of 76. Dr. Oliveros did not complete the Family Practice residency, but did successfully complete his OB/GYN rotation. He left the residency in May, 1991. Since 1991, Dr. Oliveros has worked for the United States Public Health Service in Oklahoma. He currently restricts his practice to the provision of out-patient care only; he performs no hospital medicine or obstetrical care.

7. For the purposes of this action and in resolution of this matter, Dr. Oliveros consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter, pursuant to §448.02(3), Wis. Stats.

2. The Wisconsin Medical Examining Board is authorized to enter into the attached stipulation, pursuant to §§227.44(5) and 448.02(5), Wis. Stats.

3. The respondent's delivery of care in the incident referred to in ¶4, above, constituted negligence pursuant to §448.02(3)(b), Wis. Stats. and §MED 10.02(2)(h), Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Danilo E. Oliveros is hereby REPRIMANDED.

Dr. Oliveros shall pay partial costs in this proceeding in the amount of five hundred and seventy (\$570.00) dollars. Payment shall be made within ninety (90) days from the date of this order. Payment may be by check or money order, payable to the Wisconsin Department of Regulation and Licensing.

This Order shall become effective upon the date of its signing.

MEDICAL EXAMINING BOARD

By: W.R. Schwartz M.D.
W.R. Schwartz M.D., Secretary
Medical Examining Board

10/25/95
Date

1988
84MED 1
JB/V

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DANILO E. OLIVEROS, M.D.,
RESPONDENT.

FINAL DECISION
AND ORDER

The parties to this action for the purpose of sec. 227.53, Wis. Stats.,
are:

Danilo E. Oliveros, M.D.
815 Nova Lane
Medford, WI 54451

State of Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the
attached Stipulation as the final disposition of this matter, subject to the
approval of the Board. The Board has received the Stipulation and considers
it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation
and makes the following:

FINDINGS OF FACT

1. Danilo E. Oliveros, M.D., 815 Nova Lane, Medford, Wisconsin 54451,
date of birth November 10, 1941, is a physician duly licensed to practice
medicine and surgery in the State of Wisconsin and such license bears #21408,
said license having been granted January 20, 1973.

2. From January 5, 1984 through March 8, 1984, Dr. Oliveros provided
medical consultation and treatment to his patient Garnet Jacob.

3. On January 5, 1984, Dr. Oliveros prescribed the anticoagulant
Coumadin for Garnet Jacob and maintained the patient on this medication until
January 20, 1984.

4. During the period January 5 through January 20, 1984, Dr. Oliveros
failed adequately to monitor Garnet Jacob's prothrombin time. The patient's
prothrombin time during the period ranged from 34 to 84 seconds, leading to
hemorrhaging.

5. From September 21, 1979, until February 5, 1984, Dr. Oliveros
provided medical consultation and treatment to his patient Gertrude Cardinal.

6. During this period, Dr. Oliveros treated Gertrude Cardinal for hypertension.

7. In the course of his treatment of this patient for hypertension, a question arises as to whether all necessary tests were recommended. A further question arises as to whether Dr. Oliveros achieved a consistent, acceptable blood pressure.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Wis. Stats.

2. The Wisconsin Medical Examining Board has authority to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats., to resolve matters without a hearing, and thus has authority pursuant to that section to resolve this matter in this manner.

3. Respondent's acts and omissions as set forth in paragraphs 2 through 7 of the Findings of Fact are practice and conduct which tend to constitute a danger to the health, welfare and safety of the patient and constitute unprofessional conduct within the meaning of sec. 448.02(3), Wis. Stats., and Wis. Adm. Code sec. MED 10.02(2)(h).

THEREFORE, IT IS HEREBY ORDERED:

That the Stipulation of the parties, attached hereto, is accepted.

IT IS FURTHER ORDERED that the license of Danilo E. Oliveros to practice medicine and surgery in the State of Wisconsin is suspended for a period of one (1) year said suspension being stayed upon the following terms and conditions:

a. Within one year after the issuance of this Final Decision and Order, Dr. Oliveros must successfully complete a Home Study Course in Hypertension, offered by the University of Wisconsin Medical School, and achieve a passing grade on an examination given at the end of the course.

b. Within one year after issuance of this Final Decision and Order, Dr. Oliveros must attend a Continuing Medical Education course or courses of at least six (6) hours duration related to anticoagulation or, as an alternative, a course offered by the University of Wisconsin Medical School consisting of two hours of lecture, reading material, and two hours of conferencing.

c. For a period beginning upon the issuance of this Final Decision and Order and continuing for a period of one (1) year after Dr. Oliveros shall have complied with the requirements contained in paragraphs a. and b. above, Dr. Oliveros shall be subject to peer review at his place of employment. The review must be undertaken by a Board Certified Internist or Family Practitioner acceptable to the Medical Examining Board and may be a physician employed at Dr. Oliveros' place of employment. The reviewer must submit a report every three (3) months to the Medical Examining Board certifying that Dr. Oliveros has been performing competently in all major areas of his practice, listing those areas in which Dr. Oliveros has been engaged.

d. For a period beginning upon the issuance of this Final Decision and Order and continuing for a period of one (1) year after Dr. Oliveros shall have complied with the requirements contained in paragraphs a. and b. above, Dr. Oliveros shall not engage in solo practice.

Dated this 27th day of October, 1988.

H. Mowat Waldren, M.D.
H. Mowat Waldren, M.D., Secretary
Medical Examining Board

HMW:JB:jrb
DOEATTY-226

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

DANILO E. OLIVEROS, M.D.,
RESPONDENT

:
:
:
:
:
:
:

STIPULATION
92 MED 006/90 MED 351

It is hereby stipulated between Danilo E. Oliveros, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Oliveros' licensure by the Division of Enforcement (92 MED 006/90 MED 351). Dr. Oliveros consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Oliveros understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Oliveros is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.

4. Dr. Oliveros agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties agree that the attorney for the Division of Enforcement and the member of the Medical Examining Board assigned as an advisor in this investigation may appear before the Medical Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the

stipulation.

7. The Division of Enforcement joins Dr. Oliveros in recommending the Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Danilo E. Oliveros
Danilo E. Oliveros, M.D.

Sept. 27. 1995
Date

John W. Markson
John W. Markson, Attorney for
Danilo E. Oliveros

10-3-95
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

10.10.95
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

November 6, 1995

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)